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Date: July 27, 2001 By: Jeffrey Gillis
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PATENT

Attorney Docket No.
DX0935K

CN 028008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE TECH CENTER 1600/2900

In re application of:

B. OPPMANN, et al.

Serial No.: 09/521,335

Filed: March 9, 2000

For: MAMMALIAN CYTOKINES; RELATED
REAGENTS AND METHODS

Examiner: S. Turner

Art Unit: 1647

**RESPONSE TO RESTRICTION
REQUIREMENT**

Palo Alto, California 94304

July 27, 2001

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Assistant Commissioner for Patents
Washington, D.C. 20231

10 Sir:

This is a response to the Restriction Requirement (paper number 7), dated July 3, 2001.

I. Restriction Requirement

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The Examiner restricted the application into 12 separate inventions:

- I. Claims 1-9 and 10(c), drawn respectively to polypeptide compositions and kit, classified for example in class 530, subclasses 300 and 350.
- II. Claim 10(a), drawn to a method of making an antibody, classified in class 435, subclass 69.3.
- III. Claims 10(b), drawn to a method of screening (immunoselecting antibodies), classified for example 436, subclass 518.
- IV. Claims 11-14, drawn to an antibody binding compound classified for an example in class 530, subclass 387.1.

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V. Claims 15-16, drawn to a method of producing an antigen antibody complex, classified for example in class 530, subclass 412.

VI. Claims 17-20 and 22(b-c), drawn to a nucleic acid, vector and host cell, classified for example in class 536, subclass 23.1.

5 VII. Claim 21, drawn to a kit comprising a nucleic acid and polypeptide, classified for example in class 436, subclass 536.

VIII. Claim 22(a), drawn to a method of making a duplex nucleic acid, classified for example in class 536, subclass 24.5.

10 IX. Claims 23-25, drawn to isolated nucleic acids classified for example in class 536, subclass 24.33.

X. Claim 26, drawn to a method of modulating physiology of a cell, classified for example in class 424, subclass 178.1.

XI. Claim 27-28, drawn to a method of producing a complex, classified for example in class 435, subclass 320.1.

15 XII. Claims 29-30, drawn to a method of screening for a receptor, classified for example in class 435, subclass 6.

Applicants provisionally elect, with traverse, Group VI, Claims 17-20 and 22(b-c), drawn to a nucleic acid, vector and host cell, classified for example in class 536, subclass 23.1. Applicants traverse the restriction requirement on the grounds that no serious burden would exist to examine the claims of Group VI with Claims 23-25 of Group IX. The claims of both groups are directed to nucleic acids encoding a receptor:ligand complex, and therefore should be examined together. Thus, Applicants respectfully request rejoinder of Claims 17-20, 22(b and c), and 23-25.

25 Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

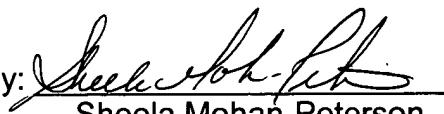
30 Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

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Date: July 27, 2001

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